REMARKS

Claims 1 and 3 to 4 were rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 6,532,088 to <u>Dantu</u> et al. ("<u>Dantu</u>"), and claim 2 was rejected 35 U.S.C. § 103(a) over <u>Dantu</u>. The Applicant respectfully traverses these rejections and submits that claims 1 to 4 recite subject matter not shown or described by <u>Dantu</u>. Careful reconsideration and allowance are requested.

Introductory Remarks:

Among other things, <u>Dantu</u> is directed to an apparatus and method for transporting IP user traffic over a fiber optic ring. In <u>Dantu</u>, on the other hand, the fiber optic ring includes a plurality of rings, a first ring of the plurality used for a working path and a second ring used as a protection path. <u>See</u> Abstract of <u>Dantu</u>.

The <u>Dantu</u> reference also appears to relate to FDDI, and includes assorted expressions of *Central* fiber optic ring network node, *Central* IP router, *Central* ingress mode (line 37 / Block 9 / Page 16), etc., which, as would be appreciated based on the present disclosure, has a different focus from that of the preferred embodiments of the present invention.

The Deficiencies of the <u>Dantu</u> Reference:

The <u>Dantu</u> reference fails to show or describe the claimed method.

Claim 1:

Claim 1, upon which claims 2-4 each depend, recites a method for operating a resilient closed communication network comprising at least one

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communication ring. The method includes a step of receiving a data packet from a first external network at a first distributing station connected to the resilient closed communication network. The method includes a step of identifying a second distributing station connected to the resilient closed communication network from which the data packet is to be forwarded to a second external network. The method also includes a step of determining functioning routes from the first distributing station to the second distributing station within the resilient closed communication network. An optimal route is selected among the functioning routes, and the data packet is sent from the first distributing station to the second distributing station using the optimal route.

Among other things, as a result, a novel method can be provided for operating a resilient closed communication network to route a data packet received from an external network at a first distributing station to a second distributing station connected to the resilient closed communication network from which the data packet is to be forwarded to a second external network using an optimal route. One non-limiting advantage of the claimed invention is to provide a means for effectively handling a network failure without relying on a dedicated protection network segment, and thus resulting in more efficient utilization of networks.

With reference to claim 1, among other things, <u>Dantu</u> does not describe a step of identifying a second distributing station connected to the resilient closed communication network from which the data packet is to be forwarded to a second external network, a step of determining functioning routes from the first distributing station to the second distributing station within the resilient closed communication network, and a step of selecting an optimal route among the functioning routes, the data packet being sent from the first distributing station to the second distributing station using the optimal route, as recited in claim 1.

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<u>Dantu</u> merely describes that in a preferred embodiment, an ingress node 400 is responsible for determining the path route for a data packet thought the fiber optic network. <u>See</u> Col. 9, 11, 42 to 45 of <u>Dantu</u>.

Claim 2:

With respect to dependent claim 1, it is noted that the Office Action admits that <u>Dantu</u> fails to mention any optimizing factors, but that it would have been obvious to consider traffic value, distance and preference value when determining the path route in order to avoid overloading the communication link. The Applicant respectfully traverses the rejection and submits that claim 2 recites subject matter not obvious in view of <u>Dantu</u> and the rejection is improper.

First, to establish a prima facie case for obviousness, all the claim limitations must be taught or suggested by the prior art. See MPEP 2143.03. Here, the Office Action fails to point to any prior art suggesting the subject matter which is admittedly not disclosed by <u>Dantu</u>. Furthermore, the Office Action fails to state any facts supporting the assertion of obviousness, to support that the missing elements were somehow "well-known" in the art, or to provide Official Notice of the subject matter pursuant to MPEP 2144.03. Applicant respectfully submits that such missing elements are not well known in the art in the context of the present invention.

It is respectfully submitted that <u>Dantu</u> fails to suggest in any way how to optimize the routing of a data packet.

Applicants submit that it would not have been obvious to one of ordinary skill to modify <u>Dantu</u> as suggested by the Office Action. Thus, the rejection fails to state a prima facie case for obviousness, is improper and must be withdrawn.

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Additionally, claim 2 depends upon claim 1, and is therefore, patentable over <u>Dantu</u> for all the same reasons already described above. No additional prior art has been cited to make up for the above-described deficiencies of <u>Dantu</u>. Thus, the Applicant submits that <u>Dantu</u> fails to show or suggest each and every limitation of claim 2. Accordingly, the Applicant requests that the rejection be withdrawn and claim 2 be allowed.

Claims 3-4:

Claims 3-4 depend from claim 1 and, thus, should be similarly allowable. In addition, claims 3-4 recite additional combinations of features that are not taught or suggested by the <u>Dantu</u> reference.

Concluding Remarks:

Early reconsideration and allowance are respectfully requested. In the event that any fees may be due, please charge any other fees to our Deposit Account No. 50-4080.

Respectfully submitted,
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